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(L. A. Bill No. 37 of 1957)

NOTIFICATION

No. LA. 4-1457|57.

The following Bill together with the Statement of Objects and Reasons is published, as ordered by the Speaker, under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Lgislature Secretariat,
Trivandrum, 14th August 1957.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

THE KERALA STAY OF EVICTION PROCEEDINGS (SECOND AMENDMENT) BILL, 1957.

A

BILL

further to amend the Kerala Stay of Eviction Proceedings Act, 1957.

Preamble.—WHEREAS it is expedient further to amend the Kerala Stay of Eviction Proceedings Act, 1957, for the purposes hereinafter appearing;

BE it enacted in the Eighth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Kerala Stay of Eviction Proceedings (Second Amendment) Act, 1957.

(2) It shall come into force at once.

2. **Amendment of section 1.**—In sub-section (3) of section 1 of the Kerala Stay of Eviction Proceedings Act, 1957 (Act 1 of 1957) (hereinafter referred to as the Principal Act), for the expression "11th day of October, 1957", the expression "11th day of April, 1958" shall be substituted.

3. **Amendment of section 4.**—In section 4 of the Principal Act, for the words and figures "accrued due before the commencement of the Kerala Stay of Eviction Proceedings Ordinance, 1957", the words and figures "accrued due before the 11th day of April, 1956", shall be substituted.

4. **Continuance of suits and proceedings.**—All suits, proceedings in execution of decrees or orders and other proceedings stayed by section 4 of the Principal Act as it stood before its amendment by this Act and pending in the Courts at the commencement of this Act may, in so far as they relate to arrears of rent in respect of, or damages for use and occupation of, the holding, accrued due on or after the 11th day of April, 1956, be proceeded with or continued from the stage at which they were stayed.

5. **Repeal.**—The Kerala Stay of Eviction Proceedings (Amendment) Ordinance, 1957 (Ordinance No. 4 of 1957), is hereby repealed.

Statement of Objects and Reasons

The Kerala Stay of Eviction Proceedings Act, 1957, which was enacted to provide for the temporary protection of tenants, kudikidappukars and persons cultivating land on varom, sambalapattom or similar arrangements pending the enactment of a comprehensive legislation relating to tenancy and agrarian reforms, was due to expire on the 11th October, 1957. As the comprehensive legislation mentioned above had not been finalised and as the Legislative Assembly was not in session, the Kerala Stay of Eviction Proceedings (Amendment) Ordinance, 1957, was promulgated by the Governor on the 8th October, 1957, to extend the life of the Act up to the 11th April, 1958. Since the contemplated comprehensive legislation cannot be brought into operation before the Ordinance ceases to operate it is necessary to replace the Ordinance by an Act of the Legislature.

2. It is also considered necessary to amend section 4 of the Kerala Stay of Eviction Proceedings Act, 1957, so that arrears of rent accruing subsequent to 11th April 1956 may also be realised, thus restricting the operation of the stay to arrears prior to 11-4-1956 only.

3. The Bill is intended to achieve the above objects.

K. R. GOURI.

Kerala Gazette Extraordinary No. 119 dated 14-11-1957.

L. A. Bill No. 38 of 1957.

NOTIFICATION

No. LA.4-1470|57.

Dated, Trivandrum, 14th November 1957.

The following Bill together with the Statement of Objects and Reasons is published, as ordered by the Speaker, under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Lgislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

THE TRAVANCORE-COCHIN FOREST (AMENDMENT) BILL, 1957

A

BILL

to amend the Travancore-Cochin Forest Act, 1951.

Preamble.—WHEREAS it is expedient to amend the Travancore-Cochin Forest Act, 1951 for the purposes hereinafter appearing;

BE it enacted in the Eighth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Travancore-Cochin Forest (Amendment) Act, 1957.

(2) It shall come into force at once.

2. **Amendment of section 1.**—In section 1 of the Travancore-Cochin Forest Act, 1951 (Act III of 1952) (hereinafter referred to as the principal Act), for sub-section (2), the following shall be substituted, namely:—

"(2) It extends to the whole of the State of Kerala excluding the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956".

3. **Amendment of section 2.**—In section 2 of the principal Act, for clause (e), the following clause shall be substituted, namely:—

"(e) "Forest Produce" includes the following when found in, or brought from, a forest, that is to say—

(i) trees and leaves, flowers and fruits and all other parts or produce of trees;

(ii) plants not being trees (including grass, creepers, reeds and moss) and all other parts or produce of such plants;

(iii) wild animals and skins, tusks, horns, bones, silk cocoons, honey and wax and all other parts or produce of animals;

(iv) peat, surface oil, rock and minerals (including lime-stone and laterite), mineral oils and all produce of mines and minerals."

4. **Omission of Chapter VIII.**—Chapter VIII of the principal Act shall be omitted.

5. **Amendment of section 93.**—In sub-section (2) of section 93 of the principal Act—

(i) in clause (d), the words "belonging to or" occurring between the words "but grown on lands" and "in the occupation of private persons" shall be omitted;

(ii) After clause (d), the following new clause shall be inserted, namely:—

"(dd) to regulate or prohibit the felling, lopping, cutting, maiming or otherwise maltreating of trees standing on land temporarily or permanently assigned, the right of the Government over which has been expressly reserved in the Deed or Grant or assignment of such land".

6. **Amendment of section 99.**—In section 99 of the principal Act, the words "other than royalties" occurring between the words "timber" and "found" shall be omitted.

7. **Saving of operation of sections 55 to 65.**—The repeal of sections 55 to 65 of the principal Act shall not affect the operation of the said sections, as respects—

(i) the rights of the Government over trees which are royalties and which have been felled before the commencement of this Act;

(ii) the preferring of claims to Kudivila in pursuance of a notice under section 55 issued before the commencement of this Act;

(iii) the inquiry into claims for kudivila preferred either before or after the commencement of this Act; and

(iv) the powers of the Forest Officer, the District Court or the High Court to pass awards or to modify or reverse such awards on reference or on appeal; and any such rights, claims, inquiries, and powers may be enforced, preferred, conducted or exercised as if the said sections have not been repealed.

Statement of Objects and Reasons.

Chapter VIII of the Travancore-Cochin Forest Act, 1951, which is in force in the Travancore area of the State only, provides for the Government monopoly over royalties. The policy of the Government has been to abolish the Government monopoly over royalties standing in private holdings. For this the whole of Travancore was divided into three tracts. Government's rights over royalties in tracts I and II have been abolished by Proclamations dated 11-1-1936 and 25-8-1941. It is considered necessary to abolish the right of Government over royalties in Tract III area also. The Bill seeks to achieve this purpose.

K. C. GEORGE.

Kerala Gazette No. 47 dated 19th November 1957.

PART I.

Labour and Local Administration Department (Panchayat)

NOTIFICATION

No. LA. 821443|57|L&LAD.

Dated, Trivandrum, 5th November 1957.

S.R.O. 50.—The following bye-laws passed by the Atherampuzha Panchayat under Section 12 of the Travancore-Cochin Local Autlorities Entertainment Tax Act (Act VI of 1951) which have been approved by Government under Section 12(3) of the said Act are hereby published for gneral information.

BYE-LAWS

1. In these bye-laws, "Act" means the Travancore-Cochin Local Authorities Entertainment Tax Act (VI of 1951).

2. These bye-laws shall come into force immediately after their publication in the Government Gazette.

3. The Local Authorities Entertainment Tax Rules, 1951, issued by Government under Sec. 11 of the Act shall be strictly followed.

4. The Atherampuzha Panchayat shall levy entertainment tax at the rate of 12½% under Section 3 of the Act on all payments for admission to every entertainment held within the Panchayat area unless exempted specially from payment of tax under Sec. 7(1)&(3) of the Act. The tax due for an entertainment shall be paid into the Panchayat office before 12 noon on the next working day.

5. (a) Notwithstanding anything contained in the bye-law No. 4 above, the Panchayat may compound the tax payable in respect of any entertainment, for a consolidated payment under Sec. 4 of the Act:

Provided, the consolidated payment shall be paid in such instalments as may be decided by the Panchayat.

(b) Ordinarily the tax may be compounded for a period of three months at a time for amounts which shall not be less than 75% of the probable estimate of tax payable under Section 3 of the Act.

(c) Any Proprietor or Manager of an entertainment the tax in respect of which is compounded as said above, shall furnish to the Panchayat either a weekly or a monthly return as decided by the Panchayat showing (separately for each class of payments) the gross sum received by him on account of payments for admission to the entertainment.

6. The Proprietor or Manager of an entertainment or series of entertainments shall, not less than three days before the commencement of the entertainment or the first of a series of entertainments apply to the Panchayat for permission to

hold the entertainment or entertainments as the case may be, with full particulars such as:—

1. name and address of the Proprietor;
2. the place, time and duration of the entertainment;
3. classes of accommodation and the rates of payment for admission; and
4. the manner in which admissions will be regulated and checked and other details as may be called for by the Panchayat.

Provided the application for permission to hold an entertainment shall be liable to be summarily rejected, if the particulars required by bye-law No. 6, are not duly and properly furnished. The Panchayat may grant permission in other cases, subject to such conditions and restrictions as the Panchayat may think necessary.

7. Every permission granted under the above bye-law shall specify the period for which and the restrictions, subject to which and conditions; subject to which the permission is granted and shall be signed by the Executive Authority.

8. (a) The Proprietor or Manager of an entertainment shall in the case of entertainment for which admission will be by tickets, produce all tickets for admission before the Executive Authority, not less than 24 hours before the commencement of the entertainment along with a statement showing the numbers of tickets under the different classes, the rate of payment for admission in each class and the particulars of complimentary tickets or free passes proposed to be issued.

(b) The complimentary tickets or free passes shall not exceed 5% of the seating capacity of the respective classes.

9. (a) The Executive Authority shall return the tickets duly sealed or stamped and shall make arrangements for the collection and remittance of the tax. All directions which the Executive Authority may issue in this behalf shall be followed and complied with by the Proprietors of the entertainment.

(b) In case separate stamps or labels denoting tax are decided to be issued, the Executive Authority shall arrange for selling the stamps or labels to the Proprietor or Manager on payment of the full price thereof. In any case tickets not bearing the Panchayat seals or stamp or label shall not be issued for admission to any entertainment by its Proprietor.

10. The Proprietor shall furnish cash security as may be decided by the Panchayat to ensure the due and prompt payment of the tax and the security so furnished shall be refunded to him on remittance of the tax in full or adjusted towards the final payment of the tax if he so chooses.

11. No Proprietor shall, when once the tax has been compounded under Section 4 of the Act alter the rate of admission to the different classes of seats and such other particulars previously furnished to the Executive Authority without the previous sanction of the Panchayat.

12. No entertainment shall be held between 2 A. M. & 6 A. M. without the previous sanction of the Panchayat.

13. (a) The Proprietor shall make necessary arrangements for keeping or producing on demand counterfoils of tickets and other documents as directed by the Executive Authority.

(b) The Proprietor shall keep a register of payments for admission the tax collected, remitted in the form prescribed for the purpose, if so required, by the Executive Authority.

14. The Executive Authority or any person authorised by the Panchayat shall enter any place of entertainment, when the entertainment is proceeding and in any place ordinarily used as a place of entertainment at any reasonable time to check the tickets for admission or the accounts thereof, and see whether the provisions of the Act, Rules or Bye-laws are strictly followed.

15. Breach of any of the above bye-laws shall be punishable with fine which may extend to Rs. 50 (fifty) and in case of continuing breach with fine which may extend to Rs. 15 (fifteen) for every day during which the breach continues after conviction for the first breach.

By order of the Governor,
P. I. JACOB,
Secretary.

PART I.

Labour and Local Administration Department (Panchayat)

NOTIFICATION

LA. 8-22645|57|L&LAD.

Dated, Trivandrum, 12th November 1957.

S.R.O. 61.—The following bye-laws passed by the Mukundapuram Panchayat under Section 12(1) of the Travancore-Cochin Local Authorities Entertainment Tax Act, (Act VI of 1951) which have been approved by the Government under Section 12(3) of the said Act are hereby published for general information.

Bye-Laws

1. In these bye-laws, "Act" means the Travancore-Cochin Local Authorities Entertainment Tax Act (VI of 1951).

2. These bye-laws shall come into force immediately after their publication in the Government Gazette.

3. The Local Authorities Entertainment Tax Rules, 1951 issued by Government under Section 11 of the Act shall be strictly followed.

4. The Mukundapuram Panchayat shall levy entertainment tax at the rate of 10% under Section 3 of the Act on all payments for admission to every entertainment held within the Panchayat area unless exempted specially from payment of tax under Section 7 (1) & (3) of the Act. The tax due for an entertainment shall be paid into the Panchayat Office before 12 Noon on the next working day.

5. (a) Notwithstanding anything contained in the bye-law No. 4 above, the Panchayat may compound the tax payable in respect of any entertainment, for a consolidated payment under Section 4 of the Act:

Provided the consolidated payment shall be paid in such instalments as may be decided by the Panchayat.

(b) Ordinarily the tax may be compounded for a period of three months at a time for amounts which shall not be less than 75% of the probable estimate of tax payable under Section 3 of the Act.

(c) Any Proprietor or Manager of an entertainment, the tax in respect of which is compounded as said above, shall furnish to the Panchayat either a weekly or a monthly return as decided by the Panchayat showing (separately for each class of payments) the gross sum received by him on account of payments for admission to the entertainment.

6. The Proprietor or Manager of an entertainment or series of entertainments shall, not less than three days before the commencement of the entertainment or the first of a series of entertainments apply to the Panchayat for permission to hold the entertainment or entertainments as the case may be, with full particulars such as:—

1. Name and address of the Proprietor;
2. the place, time and duration of the entertainment;

3. classes of accommodation and the rates of payment for admission; and

4. the manner in which admissions will be regulated and checked and other details as may be called for by the Panchayat:

Provided the application for permission to hold an entertainment shall be liable to be summarily rejected, if the particulars required by bye-law No. 6, are not duly and properly furnished. The Panchayat may grant permission in other cases, subject to such conditions and restrictions as the Panchayat may think necessary.

7. Every permission granted under the above bye-law shall specify the period for which and the restrictions, subject to which and conditions, subject to which the permission is granted and shall be signed by the Executive Authority.

8. (a) The Proprietor or Manager of an entertainment shall in the case of entertainment for which admission will be by tickets, produce all tickets for admission before the Executive Authority, not less than 24 hours before the commencement of the entertainment along with a statement showing the numbers of tickets under the different classes, the rate of payment for admission in each class and the particulars of complimentary tickets or free passes proposed to be issued.

(b) The complimentary tickets or free passes shall not exceed 5% of the seating capacity of the respective classes.

9. (a) The Executive Authority shall return the tickets duly sealed or stamped and shall make arrangements for the collection and remittance of the tax. All directions which the Executive Authority may issue in this behalf shall be followed and complied with by the Proprietors of the Entertainment.

(b) In case separate stamps or labels denoting tax are decided to be issued, the Executive Authority shall arrange for selling the stamps or labels to the Proprietor or Manager on payment of the full price thereof. In any case tickets not bearing the Panchayat seals or stamp or label shall not be issued for admission to any entertainment by its Proprietor.

10. The Proprietor shall furnish cash security as may be decided by the Panchayat to ensure the due and prompt payment of the tax and the security so furnished shall be refunded to him on remittance of the tax in full or adjusted towards the final payment of the tax if he so chooses.

11. No Proprietor shall, when once the tax has been compounded under Section 4 of the Act alter the rate of admission to the different classes of seats and such other particulars previously furnished to the Executive Authority without the previous sanction of the Panchayat.

12. No entertainment shall be held between 2 a. m. and 6 a. m. without the previous sanction of the Panchayat.

13. (a) The Proprietor shall make necessary arrangements for keeping or producing on demand counterfoils of tickets and other documents as directed by the Executive Authority.

(b) The Proprietor shall keep a register, of payments for admission the tax collected, remitted, in the form prescribed for the purpose, if so required by the Executive Authority.

14. The Executive Authority or any person authorised by the Panchayat shall enter any place of entertainment, when the entertainment is proceeding and in any place ordinarily used as a place of entertainment at any reasonable time to check the tickets for admission or the accounts thereof, and see whether the provisions of the Act, Rules or Bye-laws are strictly followed.

15. Breach of any of the above Bye-laws shall be punishable with fine which may extend to Rs. 50 (fifty) and in case of continuing breach with fine which may extend to Rs. 15 (fifteen) for every day during which the breach continues after conviction for the first breach.

By order of the Governor

P. I. JACOB,

Secretary.

PART I

Labour and Local Administration Department (Panchayats)

NOTIFICATION

LA8-117|57|L&LAD.

Dated, Trivandrum, 13th November, 1957.

S.R.O. 62.—The following draft of a rule which the Government of Kerala propose to make, in exercise of the powers conferred by Section 10(1) and 21(3) of the Madras Village Panchayats Act, 1950 (Act X of 1950) and in supersession of the previous rule fixing the term of office of the Members and Presidents of Panchayats, is hereby published for information of the public as required by sub-section (2) of Section 113 of the said Act.

Notice is hereby given that the draft will be taken into consideration on or after 19-12-1957 and that any suggestion or objection received before the expiry of the said date will be considered by Government.

Draft Rule.

The term of office of the Members and Presidents of the Panchayats in the areas referred to as Malabar District in Section 5(2) of the States Reorganisation Act, 1956 (Central Act 37 of 1956), which were reconstituted under the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), is fixed as the period ending on the fore-noon of the 5th day of July 1958.

By order of the Governor,

P. I. JACOB,
Secretary.